

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENVER R. YEATER, and

BRIANNA L. YEATER,

Defendants.

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No. 3:18-CR-46-PLR-HBG

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on July 3, 2018, for a scheduled pretrial conference and motion hearing on Defendant Brianna Yeater's Motion to Continue Trial and All Other Deadlines [Doc. 24], filed on June 12, 2018. Assistant United States Attorney LaToyia T. Carpenter appeared on behalf of the Government. Assistant Federal Defender Paula R. Voss represented Defendant Denver Yeater.¹ Attorney Forrest L. Wallace represented Defendant Brianna Yeater, who was also present.

In her motion, Ms. Yeater asks the Court to continue the July 17, 2018 trial date to permit her attorney additional time to prepare. Ms. Yeater first appeared in this case on June 1, 2018. She states that defense counsel received discovery on June 8, 2018. Defense counsel seeks additional time to review discovery, prepare pretrial motions, and investigate the case. Defense

¹ Counsel contacted Chambers, and the Court excused Defendant Denver Yeater from attending the motion hearing.

counsel notes that he was out of the office from June 15 through June 29, 2018. The motion relates that counsel and the Defendant have discussed the need for a continuance in this case and that the Defendant agrees with the motion.

At the July 3 hearing, Mr. Wallace confirmed the need for a trial continuance and to reset the motion and other deadlines in this case, due to the reasons related in the motion. He stated that Ms. Yeater waives her speedy trial rights in relation to the motion. Ms. Voss stated that Defendant Denver Yeater does not object to the motion. She stated that she had discussed the motion with Mr. Yeater and that he is also waiving his speedy trial rights in relation to the motion. AUSA Carpenter stated that the Government does not oppose the motion. The parties agreed to a new trial date of November 13, 2018.

The Court finds that the Motion to Continue Trial and All Deadlines is unopposed and well-taken. The Court also finds that the ends of justice served by granting the motion outweigh the interest of the public and the Defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Defendants are charged [Doc. 3] with offenses relating to stealing property from automobiles in the Great Smoky Mountains National Park, during a two-week period in July 2015. Defendant Brianna Yeater entered the case nearly two weeks after her codefendant and after the deadlines in this case were set. Her counsel had an abbreviated time in which to file motions and was out of town for part of this time. Defense counsel needs additional time to review discovery, to prepare and file pretrial motions, to investigate this case, and to prepare for trial. The Court finds that counsel cannot prepare for the trial of this case by the current trial date of July 17 or in less than four and one-half months. Thus, a continuance is required to allow defense counsel the reasonable time necessary to prepare for trial even taking into account counsel's due diligence. *See* 18 U.S.C.

§ 3161(h)(7)(B)(ii).

Accordingly, the Defendant's Motion to Continue Trial and All Other Deadlines [**Doc. 24**] is **GRANTED**. The trial of this matter is reset to **November 13, 2018**. The Court finds that all time between the filing of the motion on June 12, 2018, and the new trial date of November 13, 2018, is fully excludable under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D) & (7)(A)-(B). With regard to additional scheduling in the case, the Court set a new motion deadline of **July 24, 2018**. Responses to motions are due on or before **August 7, 2018**. The deadline for concluding plea negotiations and for the Defendant to provide reciprocal discovery is **October 12, 2018**. The parties are to appear before the undersigned for a final pretrial conference on **October 30, 2018, at 1:00 p.m.** Finally, the Court instructs the parties that all motions *in limine* must be filed no later than **October 29, 2018**. The parties shall submit special requests for jury instructions, if any, to the District Judge no later than **November 2, 2018**, and these requests must be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED**:

- (1) Defendant Brianna Yeater's Motion to Continue Trial and All Other Deadlines [**Doc. 24**] is **GRANTED**;
- (2) The trial of this matter is reset commence on **November 13, 2018**, before the Honorable Pamela L. Reeves, United States District Judge;
- (3) All time between the filing of the motion on **June 12, 2018**, and the new trial date of **November 13, 2018**, is fully excludable time under the Speedy Trial Act for the reasons set forth above;
- (4) The deadline for filing pretrial motions is extended to **July 24, 2018**;
- (5) Responses to motions are due on or before **August 7, 2018**;

(6) The deadline for concluding plea negotiations and providing reciprocal discovery is **October 12, 2018**;

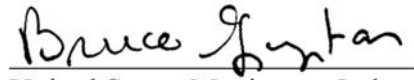
(7) Motions *in limine* are due on **October 29, 2018**;

(8) The parties are to appear before the undersigned for a final pretrial conference on **October 30, 2018, at 1:00 p.m.**; and

(9) Special requests for jury instructions with the appropriate citation to authority shall be submitted to the District Judge no later than **November 2, 2018**.

IT IS SO ORDERED

ENTER:

A handwritten signature in black ink, appearing to read "Bruce G. Stanton", is written over a horizontal line.

United States Magistrate Judge